



AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6303		Date: 04/12/10
Department: Police	Attachments: Ordinance No. 6303	Budget Impact:
Administrative Recommendation: City Council introduce and adopt Ordinance No. 6303.		
Background Summary: The original Ordinance included language that stipulated when an appeal was made for false alarm charges a fee of \$25.00 would be charged. It is recognized that the City incurs no additional expense to accommodate an appeal related to false alarm charges and that the application of such a fee may be detrimental in that it may preclude entities from filing an appeal. This Ordinance adjusts the fee schedule to eliminate the fee for filing an appeal.		
O1.8		
Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div> COUNCIL COMMITTEES: <input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input type="checkbox"/> Legal <input type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____		
Councilmember: Pelosa		Staff: Kelly
Meeting Date: April 19, 2010		Item Number: VIII.A.2

ORDINANCE NO. 6 3 0 3

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, AMENDING
SECTION 9.30.140 OF THE AUBURN CITY CODE
RELATING TO FEES FOR APPEAL OF ALARM
ADMINISTRATOR DECISIONS

WHEREAS, Section 9.30.140 of the Auburn City Code (ACC) provides for a filing fee in order for a person to get a hearing on an appeal from an action by the City's alarm administrator; and

WHEREAS, City staff reports that some affected residents with limited incomes find the filing fee a barrier to their exercising their right to appeal; and

WHEREAS, in reviewing what the needs are for administering the alarm program, the appeal fee in ACC Section 9.30.140 subsection C is not needed at this point.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That Section 9.30.140

the Auburn City Code be and the same hereby is amended to read as follows:

9.30.140 Appeals of determinations regarding alarm permits, security alarm license and fees.

A. If the alarm administrator assesses a fee, suspends an alarm permit, security alarm license or denies the issuance, renewal or reinstatement of an alarm permit or security alarm license, the alarm administrator shall send written notice of the action and a statement of the right to appeal to the affected applicant, alarm user, alarm installation company or alarm monitoring company.

B. The alarm user, alarm installation company or alarm monitoring company or other interested party may appeal any action described in subsection (A) of this section to the chief of police or designee by setting forth in writing the reasons for the appeal and delivering the appeal to the chief of police or

designee within 20 business days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

C. The procedure for an appeal to the chief of police or designee is as follows:

1. The applicant, alarm user, alarm installation company or monitoring company may file a written request for appeal ~~by paying an appeal fee of \$25.00 to the police department and setting forth the reasons for the appeal.~~ The appeal must be entitled "Appeal from Alarm Administrator's Action." ~~Appeal fees will be returned to the appealing party if the appeal is successful.~~

2. The chief of police or designee shall conduct a hearing within 30 days after receipt of the request for review and shall consider the evidence submitted by the appealing party and the alarm administrator. The chief of police or designee must base the decision on the preponderance of evidence presented at the hearing and must render a decision within 15 days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the alarm administrator.

3. Any person aggrieved by the decision of the chief of police or designee may appeal in accordance with the procedure set forth in ACC 18.70.050.

4. Filing of an appeal stays any action by the alarm administrator to suspend an alarm permit or require the payment of a fee until the appeal process has been exhausted. This provision applies only to the action of the alarm administrator that is the subject of the appeal. This provision does not operate as a bar to enforcement action on violations of this section that occur thereafter.

D. The alarm administrator or the chief of police, or their respective designees, may adjust the count of false alarms or assessed fees based on:

1. Evidence that a false alarm was caused by action of a communications services provider (i.e., telephone, cellular, cable company);

2. Evidence that a false alarm was caused by a power outage of more than four hours or severe weather such as a tornado or earthquake;

3. Evidence that an alarm dispatch request was not a false alarm; or

4. The occurrence of multiple alarms within a 24-hour period, which may be considered as one false alarm if the alarm user has taken corrective action, unless the false alarms are directly caused by the alarm user.

E. The alarm administrator may waive all of a false alarm fee or a part of the fee due to extenuating circumstances or to encourage corrective action.

F. On review of fees assessed to an alarm installation company or monitoring company, the alarm administrator, or, if appealed, chief of police, or designee, or the administrative hearing officer, may consider whether the alarm installation company or monitoring company has engaged in a consistent pattern of violations. (Ord. 6216 § 1, 2009.)

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

PETER B. LEWIS
MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: _____